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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,206	02/09/2004	Yoshiya Tomatsu	118594	6752
25944	7590	06/10/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			NGO, HOANG X	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/773,206	<b>Applicant(s)</b> TOMATSU, YOSHIYA	
	<b>Examiner</b> Hoang Ngo	<b>Art Unit</b> 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-21, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 9-11 and 22-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/9/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 12-21, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al.

Ando et al disclose a thermal fixing device comprising a fixing member 119 (Fig. 2) disposed to be in contact with a fixation medium P; a pressuring member 120 disposed to face the fixing member and configured to press the fixation medium against the fixing member (see Fig. 2); a conveying unit 123 configured to convey the fixation medium that has passed through between fixing member and the pressuring member; a peeling member 124 (see Fig. 2) configured to be in contact with the fixing member; and a separating member 126 configured to separate the peeling member from the fixing member in a state where the separating member is in contact with the fixation medium that has passed through between the fixing member and the pressuring member (Col. 5, lines 59-67).

Ando et al further disclose the separating member is configured to be in contact with the fixation medium held between the conveying unit and both the fixing medium

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and the pressuring member with a given tensile force (Col. 5, lines 59-65); the peeling member and the separating member are separately or integrally formed (see Fig. 3); the peeling member is urged toward the fixing member by weight and is swingably provided (Col. 5, line 30, Col. 9, lines 12-13); the separating member comprising a contacting portion contacting the fixation medium and is formed by a curved surface (Fig. 5); the peeling member having a guiding portion 124a (Fig. 6) to guide the fixation medium; the pressure member having a plurality of pressuring members 120, 123; the conveying unit is configured to convey the fixation medium at a speed not slower than a speed of conveyance by the pressuring member and the fixing member (i.e. both rotated at a same speed).

***Allowable Subject Matter***

3. Claims 9-11 and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record teaches the peeling member having a width of the tip portion in contact with the fixing member in a longitudinal direction of the fixing member in a range of 0.5 to 1.5 mm with regard to claims 9 and 22; a first angle between a tangential line at a contacting point where the tip portion contacts the fixing member and the first surface is to be within 0 to 45 degrees, a second angle between a normal line at the contacting point and the second surface is not smaller than 15 degrees, and a third angle between the first and the second surface is to be not smaller

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than 10 degrees with regards to claims 10 and 23; the peeling member is urged toward the fixing member by a force not larger than  $0.005 \times 9.8$  N with regards to claims 11 and 24.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Ngo whose telephone number is (571) 272-2138. The examiner can normally be reached on 6:00am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Hoang Ngo  
Primary Examiner  
Art Unit 2852

Hn  
June 08, 2005